

OCT 30 2012

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA Q. DUDLEY, CLERK  
BY: *J. moodie*  
DEPUTY CLERK

For the reasons stated in the accompanying memorandum opinion, it is now

## ORDERED

as follows:

1. The government's motion to dismiss is **GRANTED**;
2. The defendant's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 is **DENIED** and this action shall be **STRICKEN** from the active docket of the court; and
3. A certificate of appealability is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the defendant and all counsel of record.

ENTER: This ~~30~~ <sup>14</sup> day of October, 2012

Yan Cunao

## Chief United States District Judge